

Court of Appeals, State of Michigan

ORDER

People of MI v Charles William Parker III

Docket No. 247790

LC No. 01-002833-FH

Michael J. Talbot
Presiding Judge

William C. Whitbeck
Chief Judge

Kathleen Jansen
Judge

On the Court's own motion, the Court directs the parties to prepare and submit briefs addressing the following three issues:

- (1) Was defendant's motion for resentencing adequate to preserve his objection to the trial court's failure to apply the legislative sentencing guidelines, or need he have raised this issue at sentencing to preserve it?
- (2) Assuming the issue was not preserved, did the trial court's failure to apply the legislative sentencing guidelines constitute plain error affecting defendant's substantial rights?
- (3) Does this Court's holding in *People v Hendrick*, 261 Mich App 573, 676-677; 683 NW2d 218 (2004), apply retroactively?

The Court directs the parties to submit their briefs on these issues within 14 days of the Clerk's certification of this order. The Court will not accept responsive briefs.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAY 17 2005

Date

Sandra Schultz Mengel
Chief Clerk